

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

CHANNEL BIO CORPORATION,

Plaintiff,

v.

ERIC LEWIS, *et al.*,

Defendants.

Case No. 08-cv-57-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Channel Bio Corporation's ("Channel") Motion to Voluntarily Dismiss (Doc. 139) and Motion to Vacate Trial Setting and Enter Judgment (Doc. 140).

Specifically, in light of this Court's recent Memorandum and Order (Doc. 138), wherein the Court granted Channel's Motion for Partial Summary Judgment (Doc. 121) against Defendant Eric Lewis on its common law fraud claim and directed entry of judgment against Lewis in the amount of \$4,247,391.00, Channel asks that its remaining claims against Lewis be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41, the current trial settings be vacated, and final judgment be entered. Channel's remaining counts against Lewis include a request for declaratory judgment pursuant to 28 U.S.C. § 2201 and claims of civil conspiracy, common law conversion, unjust enrichment, and breach of warranty. These claims are all that remain in a case that has been defined by a dizzying posture.

Being fully advised of the premises, especially the fact that Lewis has not acted in this litigation since April 16, 2008, despite repeated admonishment by the Court, the Court finds the instant motions to be made in good faith. As such, the Court hereby **GRANTS** Channel's Motion to Voluntarily Dismiss (Doc. 139) and Motion to Vacate Trial Setting and Enter

Judgment (Doc. 140), **DISMISSING with prejudice** Channel's request for declaratory judgment and claims of civil conspiracy, common law conversion, unjust enrichment, and breach of warranty against Lewis. Further, the Court **DENIES as moot** Channel's Motion to Continue (Doc. 141). Finally, the Court **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED
DATED: May 6, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE